

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DEVONTA HENDERSON
Plaintiff

V.

BOWIE COUNTY PROBATION, ET AL.

Defendants

Case No. 5:23cv138-RWS-JBB

ORDER OF DISMISSAL

Plaintiff Devonta Henderson, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. Docket No. 7. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

On May 24, 2024, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending the above lawsuit be dismissed with prejudice to the claims being asserted again until such time as Plaintiff can show that the conviction resulting from the arrest complained of has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus. Docket No. 11. Plaintiff acknowledged receipt of the Report on or before May 28, 2024, but has not filed objections. Docket No. 12. Accordingly, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the May 24, 2024 Report of the Magistrate Judge (Docket No. 11) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** to the claims being asserted again until such time as Plaintiff can show that the conviction resulting from the arrest complained of has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus.

So ORDERED and SIGNED this 6th day of August, 2024.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE